

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RE: James A. Sonnier et al.	§ Group Art No.: 3672
Serial No.: 10/776,089	§
	§ Examiner: Kenneth L. Thompson
Filing Date: February 11, 2004	§
	§ Confirmation No.: 2350
Title: "Co-Pilot Measurement-While Fishing Tool Devices and Methods"	§
	§ Attorney Docket No.: 284-34922-US
	§

MS: PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW WITHHOLDING OF ABANDONMENT UNDER
37 CFR § 1.181(f)

Dear Sirs:

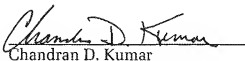
Applicants received a Notice of Abandonment mailed **October 11, 2006** stating abandonment of the captioned application in view of Applicant's failure to timely file a proper reply to the Office letter mailed **March 7, 2006**. This Petition is being filed within two months of the mailing date of the Notice of Abandonment. Applicants respectfully submit that the Notice of Abandonment is inappropriate as a response to the **March 7, 2006** Office letter was timely filed via facsimile no. 571.273.8300, to the attention of the Commissioner for Patents, on **June 23, 2006**.

Attached is a copy of the Response to Office Action as timely submitted via facsimile on **June 23, 2006**. The Response clearly shows the Office's Auto-Reply Facsimile Transmission as receiving our transmission. Applicants respectfully request, with the submission of the attached documents as sufficient evidence, the Petition be granted dismissing the Notice of Abandonment as untimely under 35 CFR 1.181(f).

There is no fee believed due for this paper, should the Office deem otherwise, the Commissioner is authorized to charge any underpayments or credit any overpayment of fees to Deposit Account No. **02-0429 (284-36499-US)**.

Respectfully submitted,

Date: December 5, 2006

A handwritten signature in dark ink, appearing to read "Chandran D. Kumar", is written over a horizontal line.

Chandran D. Kumar
Registration No. 48,679
MADAN, MOSSMAN & SRIRAM P.C.
2603 Augusta Drive, Suite 700
Houston, Texas 77057-5640
Telephone: (713) 266-1130
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ATTORNEY FOR APPLICANT

TO:

Fax Information

Date Received: _____

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Total Pages:

16 (including cover page)

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MADAN MOSSMAN & SRIRAM P.C.

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FACSIMILE COVER SHEET

DATE: June 23, 2006

TO: Commissioner for Patents

COMPANY OR FIRM: USPTO

FACSIMILE NO.: (571) 273-8300

FROM: Margaret A. Pruitt for Chandras D. Kumar Reg. No. 48,679

Serial No.: 10/776,059

REFERENCE: Atty. Docket No. 284-34922-US
Deposit Account: 02-0429(284-34922-US)

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 16

If all pages are not received, please call Margaret A. Proffitt (713) 256-1130x132

Enclosed are the following documents for filing:

1. Response to Office Action mailed March 7, 2006.

CERTIFICATE OF FACSIMILE TRANSMISSION

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I certify that this correspondence, along with any papers referred to as being attached or enclosed, is being transmitted by facsimile to the attention of the Commissioner for Patents, Examiner Kenneth L. Thompson, Facsimile No. (571) 273-6360 on this June 28, 2000.

Margaret A. Prull

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** Transmit Conf. Report **

P.1

Jun 23 '06 16:42

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MADAN MOSSMAN & SRIRAM, P.C.

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FACSIMILE NO.: (571) 273-8300

FROM: Margaret A. Pruitt for Chandran D. Kumar Reg. No. 48,679

REFERENCE: Serial No.: 10/776,089
Atty. Docket No. 284-34922-US
Deposit Account: 02-0429(284-34922-US)

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 16**If all pages are not received, please call Margaret A. Pruitt (713) 266-1130x132****Enclosed are the following documents for filing:****1. Response to Office Action mailed March 7, 2006.**

MADAN, MOSSMAN & SRIRAM, P.C.

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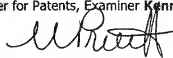
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Enclosed are the following documents for filing:

1. Response to Office Action mailed March 7, 2006.

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Margaret A. Pruitt

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

16

Application Number

10/776,089

Filing Date

February 11, 2004

First Named Inventor

James A. Sonnier

Art Unit

2350

Examiner Name

Kenneth L. Thompson

Attorney Docket Number

284-34922-US

ENCLOSURES

(Check all that apply)



Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)



Reply to Missing Parts/
Incomplete Application



Reply to Missing Parts
under 37 CFR 1.52 or 1.53



Drawing(s)



Licensing-related Papers



Petition



Petition to Convert to a
Provisional Application



Power of Attorney, Revocation



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Remarks

The Commissioner is authorized to charge any underpayment or credit
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☐ After Allowance Communication to TC

☐ Appeal Communication to Board
of Appeals and Interferences

☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please identify
below):

1. Applicant submits a Response to
the Office Action mailed March 7,
2006.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Madan, Mossman & Sriram P.C.

Signature

Chandran D. Kumar

Printed name

Chandran D. Kumar

Date

June 23, 2006

Reg. No.

48,679

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with
sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on
the date shown below:

Signature

Margaret A. Pruitt

Typed or printed name

Margaret A. Pruitt

Date

June 23, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 81 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Margaret A. Pruitt

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: James A. Sonnier et al.	§	Group Art Unit: 3672
SERIAL NO.: 10/776,089	§	Examiner: Kenneth L. Thompson
FILED: February 11, 2004	§	Atty. Docket: 284-34922-US
TITLE: "Co-Pilot Measurement-While Fishing Tool Devices and Methods"	§	Confirmation No.: 2350

MS: Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NON- FINAL OFFICE ACTION DATED MARCH 7, 2006

This is in response to the Office Action, dated March 7, 2006 for the above-identified patent application.

Amendments to the application begin at page 2.

Amendments to the Claims begin at page 2.

Remarks begin at page 9.

AMENDMENTS TO THE CLAIMS

1. (currently amended) A system for detecting a downhole condition in a wellbore during a non-drilling wellbore operation, the system comprising:
a tool string formed of a tubular to be disposed within a wellbore;
a workpiece within the tool string for performing a non-drilling wellbore operation within the wellbore; and
a condition sensing tool within the tool string for sensing a downhole condition.
2. (Original) The system of claim 1 wherein the workpiece comprises a fishing device.
3. (withdrawn) The system of claim 1 wherein the workpiece comprises a cutting tool.
4. (withdrawn) The system of claim 3 wherein the cutting tool comprises an underreamer.
5. (withdrawn) The system of claim 3 wherein the cutting tool comprises a casing cutter.
6. (Original) The system of claim 1 wherein the downhole condition is a condition from the set consisting essentially of torque, weight, tool string compression, tool string tension, speed of tool string rotation, vibration, and direction of tool string rotation.

7. (Original) The system of claim 1 wherein the condition sensing tool of the system comprises:
an outer housing defining a sensor section therein; and
at least one sensor retained within the sensor section for detection of a downhole condition.
8. (Original) The system of claim 7 wherein the condition sensing tool further comprises a processing section for receiving data relating to the downhole condition and transmitting the data to a remote receiver.
9. (Original) The system of claim 7 wherein the condition sensing tool further comprises a processing section for receiving data relating to the downhole condition and storing the data.
10. (Original) The system of claim 1 further comprising a power section.
11. (currently amended) A condition sensing tool for use within a wellbore during a non-drilling operation to detect at least one downhole condition within the wellbore, the condition sensing tool comprising:
an outer housing defining an axial fluid flowbore therethrough and being coupled to a tubular tool string;
a sensor section defined within the housing; and
at least one sensor for detecting at least one non-drilling downhole condition from the set of conditions consisting essentially of torque, weight, tool string compression, tool string tension, speed of tool string rotation, vibration, and direction of tool string rotation.

12. (Original) The condition sensing tool of claim 11 further comprising a power section within the housing for supplying power to the sensor section.
13. (Original) The condition sensing tool of claim 11 further comprising a processing section for receiving data relating to the downhole condition and transmitting the data to a remote receiver.
14. (currently amended) A method of performing a non-drilling downhole wellbore operation comprising:
integrating a workpiece and a condition sensing tool into a tool string formed of a tubular;
disposing the tool string into a wellbore;
actuating the workpiece to conduct a non-drilling downhole operation; and
detecting at least one downhole condition with the condition sensing tool.
15. (Original) The method of claim 14 further comprising the step of transmitting information indicative of the downhole condition to a remote location.
16. (currently amended)~~The method of claim 14 further comprising the step of A~~
method of performing a non-drilling downhole wellbore operation comprising:
integrating a workpiece and a condition sensing tool into a tool string;
disposing the tool string into a wellbore;
actuating the workpiece to conduct a non-drilling downhole operation;
detecting at least one downhole condition with the condition sensing tool; and
storing information indicative of the downhole condition within a processing section of the condition sensing tool.

17. (currently amended) ~~The method of claim 14~~ A method of performing a non-drilling downhole wellbore operation comprising:
integrating a workpiece and a condition sensing tool into a tool string;
disposing the tool string into a wellbore;
actuating the workpiece to conduct a non-drilling downhole operation;
detecting at least one downhole condition with the condition sensing tool; and
wherein
- a) the workpiece comprises a fishing tool for engaging a stuck member within a wellbore;
 - b) the non-drilling downhole operation comprises a fishing operation to remove a stuck member from the wellbore; and
 - c) the condition sensing tool detects weight and torque.
18. (Original) The method of claim 14 wherein:
- a) the workpiece comprises an anchor latch;
 - b) the non-drilling downhole operation comprises unthreading of a threaded connection within the wellbore; and
 - c) the condition sensing tool detects tool string compression and tool string tension.
19. (withdrawn) The method of claim 14 wherein:
- a) the workpiece comprises a casing cutter;
 - b) the non-drilling downhole operation comprises a casing cutting operation, and
 - c) the condition sensing tool detects speed and direction of rotation of the tool string.

20. (withdrawn) The method of claim 14 wherein:
- a) the workpiece comprises an underreamer;
 - b) the non-drilling downhole operation comprises an underreaming operation, and
 - c) the condition-sensing tool detects torque.
21. (withdrawn) The method of claim 20 wherein the condition sensing tool also detects weight, speed of rotation, and direction of rotation.
22. (currently amended)~~The method of claim 14~~ A method of performing a non-drilling downhole wellbore operation comprising:
integrating a workpiece and a condition sensing tool into a tool string;
disposing the tool string into a wellbore;
actuating the workpiece to conduct a non-drilling downhole operation;
detecting at least one downhole condition with the condition sensing tool; and
wherein:
- a) the workpiece comprises a packer;
 - b) the non-drilling downhole operation comprises retrieval of the packer from a set position within the wellbore; and
 - c) the condition-sensing tool detects torque and weight.
23. (withdrawn) The method of claim 14 wherein:
- a) the workpiece comprises a pilot mill;
 - b) the non-drilling downhole operation comprises milling away by the pilot mill of a portion of a tubular member within the wellbore; and
 - c) the condition sensing tool detects at least some of the downhole conditions from the set of conditions consisting essentially of torque,

direction of rotation, speed of rotation, weight, tool string compression, and tool string tension.

24. (withdrawn) The method of claim 14 wherein:
- a) the workpiece comprises a washover tool;
 - b) the non-drilling downhole operation comprises a washover operation for cutting away portions of a formation surrounding a stuck object within the wellbore; and
 - c) the condition sensing tool detects torque.
25. (withdrawn) The method of claim 24 wherein the condition sensing tool further detects speed and direction of rotation.
26. (new) The system of claim 1 further comprising a transmitter coupled to the tool string transmitting signals to the surface using mud pulse telemetry.
27. (new) The system of claim 1 wherein the tool string is configured to rotate.
28. (new) The system of claim 1 wherein the tool string is configured to at least one of: (i) circulate fluid in the wellbore; and (ii) pressurize the wellbore with fluid.
29. (new) The condition sensing tool of claim 11 further comprising a transmitter proximate to the sensor section transmitting signals to the surface using mud pulse telemetry.

30. (new) The method of claim 15 wherein the signal transmitted using at least one mud pulse.
31. (new) The method of claim 14 further comprising rotating the tool string.
32. (new) The method of claim 14 further comprising circulating fluid in the wellbore.
33. (new) The method of claim 14 further comprising pressurizing the wellbore with fluid.

REMARKS

Claims 1-25 are pending in the application. Claims 3-5, 19-21, and 23-25 are withdrawn from consideration. Claims 1, 2, 6-15 and 18 stand rejected by the Examiner. Claims 16, 17, and 22 are objected to. The Examiner's objections and rejections are addressed below in substantially the same order as in the office action. The Examiner acknowledges the Applicants elections without traverse of Species I in reply filed on 14 December 2005. Claims 3-5, 19-21 and 23-25 are withdrawn from further consideration.

CLAIM REJECTIONS UNDER 35 U.S.C. 102

Essary

Claims 1, 2 and 6 stand rejected under 35 U.S.C. 102(b) as being anticipated by Essary, U.S. 3,268,003. The Examiner contends that Essary discloses a tool string (33), a fishing device (32) within the tool and a tension sensing tool (free point indicator; col. 3, lines 53-63). The tension sensing tool, however, is not in the tool string. Columns 3 and 4 describe the general fishing procedure that has at least three distinct phases, each of which has unique tooling. First, a fishing tool is used to remove portion of a stuck drill string (Fig. 2 -3 and col. 3, lines 4-32). Next, a free point indicator is used to determine a "free point" in the stuck string. Finally, a perforator is used to perforate the stuck string (col. 3, lines 63-75). Thereafter, fluid is pumped down to wash the stuck string. Clearly, Essary does not disclose a tool string that includes a fishing tool and a condition sensing tool. In fact, a free point indication is not shown in the Figures that illustrate the fishing tool. Further, Essary teaches the opposite by clearly separating the tooling for the fishing and condition sensing. Because Essary does not teach or suggest each and every aspect of claims 1, 2 and 6, Applicant submits that claims 1,2 and 6 are allowable over Essary.

Rogers

Claims 1 and 7-13 stand rejected under 35 U.S.C. 102(b) as being anticipated by Rogers, U.S. 3,994,163. The Examiner contends that Rogers discloses a tool string housing (T), a workpiece (D) within the tool string and a tension sensing fluid section (S; col.7, lines 27-33). Applicant notes that "the downhole tool T is lowered through the well bore B by an electrically conductive wireline W." (Col. 2, lines 47-48). Thus, Rogers teaches a device that evaluates stuck pipe using an electric line which has to be run in the well down to the stuck point.

With respect to amended claims 1 and 11, Rogers does not teach or suggest a tool string formed of a tubular. Rather, Rogers teaches a wire line conveyed device. Furthermore, Rogers does not suggest a tubular string because such a tool string would render the described electronics inoperable. Because, Rogers does not teach each and every recitation of claim 1 and 11, Applicant submits that claims 1 and 11 are allowable over Rogers.

Claims 7-10, 12, and 13 depend from either claim 1 or 11, claims believed to be allowable over Rogers, and thus are allowable on at least such grounds.

Sweetman

Claims 14, 15 and 18 stand rejected under 35 U.S.C. as being anticipated by Sweetman, U.S. 2,745,345. The Examiner contends that Sweetman discloses a workpiece (device of figure 1; col. 2, lines 67-70) having latching fingers; a condition sensing tool (75) detecting a weight including compression of springs (5) and cable tension resulting from the latched fingers; a remote location (77) and detonation of a charge in the workpiece (col. 6, first paragraph) to facilitate unthreading a connection.

With respect to amended claim 14, Sweetman—like Rogers—does not teach or suggest a tool string formed of a tubular. Rather, Rogers teaches a wire line conveyed device using a lowering cable 25 and a power conducting cable 26. Furthermore, Sweetman does not suggest a tubular string because such a tool string would render the described electronics inoperable. Because, Sweetman does not teach each and every recitation of claim 14, Applicant submits that claim 14 is allowable over Sweetman.

Claims 15 and 18 depend from claim 14, a claim believed to be allowable over Sweetman, and thus is allowable on at least such grounds.

ALLOWABLE SUBJECT MATTER

Claims 16, 17 and 22 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. Applicant has rewritten these claims as independent claims.

NEW CLAIMS

Applicant has added new claims 26-33 to further claim the present invention. In addition to the reasons for allowability discussed for the base claims, the new claims are believed to be in condition for allowance for the following reasons:

With respect to claims 26, 29 and 30, the prior art neither teaches nor suggests transmitting signals to the surface using mud pulses.

With respect to claims 27 and 31, the prior art neither teaches nor suggests a rotating tool string.

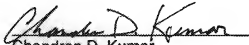
With respect to claim 28, 32, and 33, the prior art neither teaches nor suggests a tool string configured to circulate fluid in the wellbore or pressurize the wellbore with fluid.

CONCLUSION

For all the foregoing reasons, Applicant submits that the application is in a condition for allowance. No fee is believed due for this paper. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. **02-0429 (284-34922-US)**.

Respectfully submitted,

Dated: June 23, 2006



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ATTORNEY FOR APPLICANT

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2005 <small>(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4815).)</small>		Docket Number (Optional) 284-34922-US
Application Number 10/776,089		Filed February 11, 2004
For Measurement While Fishing Tool		
Art Unit 2350		Examiner Kenneth L. Thompson

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	
<input checked="" type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ <u>120.00</u>
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$ _____
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$ _____
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$ _____

☐ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 02-0429 (284-34922-US). I have enclosed a duplicate copy of this sheet.

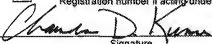
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I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number 48,679

☐ attorney or agent under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____



 Signature

Chandran D. Kumar

 Typed or printed name

June 23, 2006

 Date

713.266.1130x128

 Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is guaranteed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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